THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.9434 of 1999

Dated : 04.04.2007

Between:

Ch.Ravinder Rao S/o late Ch.Hanumantha Rao

... **PETITIONER**

And:

The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad and others.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.9434 of 1999

ORDER:

This writ petition is filed questioning the proceedings dated 27.03.1999 issued by the second respondent, whereby the mutation of the petitioner's name in the Assessment Register in respect of the house bearing No.17-1-382/V/2/7 situated at Vyshalingar, Saidabad, Hyderabad, ordered earlier was cancelled.

Petitioner states that his father, by name Hanumantha Rao, purchased a plot bearing No.7 in Sy.No.113, on which the above house was constructed. He died on 14.11.1997. During his lifetime, the petitioner's father executed a Will dated 09.11.1997 bequeathing the said house property in favour of the petitioner. After the death of his father, the petitioner approached the second respondent for mutation of his name in the Assessment Register, duly producing the necessary documents and also a no-objection certificate obtained from

him from the third respondent. Accordingly, the second respondent, by his order dated 3/4.02.1999 ordered mutation of the petitioner's name in the said register. However, subsequently the second respondent issued the impugned proceedings dated 27.03.1999 cancelling the mutation ordered earlier, allegedly based on the objection of the third respondent. Challenging the same, this writ petition is filed.

Respondents 1 and 2 filed a counter stating that as per the documents produced by the petitioner, the second respondent ordered for mutation of name of the petitioner with a condition that if at a later stage it is found that the documents produced by the petitioner are not genuine, the mutation would be cancelled. Subsequently, the petitioner's sister and mother submitted objection against the mutation of the name of the petitioner, and stated that the no-objection certificate produced by the petitioner is a bogus one. They also produced required documents for change of name of the third respondent in the records. Pursuant to the same and after verification of all the records, the second respondent ordered change of name of the third respondent by cancelling the order issued earlier. Therefore, there is no illegality in the action of the respondents.

Heard both the counsel.

It is contended by the learned counsel for the petitioner that before passing the impugned order, the second respondent ought to have issued notice to the petitioner calling upon him to explain as to why the mutation ordered earlier shall not be cancelled, and therefore, the impugned order is violative of principles of natural justice and liable to be set aside.

Though the impugned order is alleged to have been passed without issuing any notice to the petitioner, this Court is not inclined to set aside the same on the ground that the said dispute between the

petitioner and the third respondent has to be decided by a competent civil Court. Admittedly, by mutation of name in the records, no rights accrues on the third respondent, and the dispute regarding title has to be decided by a competent civil Court.

For the foregoing reasons, the writ petition is dismissed giving liberty to the parties to approach a competent civil Court for proper adjudication of their title. However, in the light of the submission of the learned counsel for the petitioner that the petitioner is paying property tax to the municipality in view of the mutation ordered in his name earlier, the petitioner is directed to pay the said tax to the Municipality pending disposal of the civil dispute.

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04.04.2007

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